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Planning Authority
St. Francis Ravelin
Floriana, FRN 1230

14th February 2020

Dear ██████████

**Policy Guidance for Fuel Stations, Revised Draft (September 2019)
Consultation in terms of Regulation 4(6) of S.L. 549.61 (Strategic Environmental Assessment
Regulations)**

Reference is made to the Planning Authority's SEA screening consultation on the revised draft Policy Guidance for Fuel Stations, dated September 2019, which the Environment and Resources Authority (ERA) received by email on 16th January 2020.

I am enclosing ERA's comments on the potential significant environmental impacts of the proposed revised draft Policy Guidance for Fuel Stations, with the intention of ensuring that implementation of this policy avoids major environmental impacts on the rural environment.

Yours sincerely,



Dr. Louise Spiteri
Chief Executive Officer
Environment and Resources Authority

ERA's comments on the Policy Guidance for Fuel Stations, Revised Draft (September 2019): SEA Screening

14th February 2020

1. Introduction

- 1.1. ERA welcomes the opportunity to comment on the revised draft Policy Guidance for Fuel Stations, dated September 2019, in accordance with Regulation 4(6) of S.L. 549.61 (Strategic Environmental Assessment Regulations).
- 1.2. These comments are provided without prejudice to ERA's review and comments at project stage when more detailed environmental assessment and/or environmental permitting may be required. Depending on their nature, location and scale, projects for fuel stations may also require different types of assessments, including an Environmental Impact Assessment (EIA) procedure in terms of S.L. 549.46 (EIA Regulations).

2. General comments

- 2.1. The revised draft Policy Guidance for Fuel Stations provides a policy framework for the relocation of existing fuel service stations, which are deemed to create issues of amenity, safety and/or transport, from the development zone. Existing fuel stations within the development zone that are not creating any amenity, safety or transport issues and other fuel stations currently located ODZ are not eligible for relocation. Redevelopment and change of use of existing fuel stations ODZ will not be considered.
- 2.2. ERA welcomes the improvements that have been carried out to the revised draft Fuel Stations Policy, that includes important environmental safeguards, as follows:
 - (i) fuel stations shall not have unacceptable adverse impacts on the environment (paragraph 2.3);
 - (ii) the revised draft policy highlights inappropriate locations for the relocation of fuel stations, including environmentally sensitive and/or protected sites (paragraph 2.4); and
 - (iii) relocation of fuel stations to appropriate ODZ sites shall not exceed the footprint of the committed building or 1,000m², whichever is the smaller.
- 2.3. The approach adopted by the revised policy (September 2019) may still be of environmental concern if it is interpreted to allow the relocation of fuel stations to ODZ sites which, subsequently, may also be subject to further expansion/upgrading (see detailed comments below).
- 2.4. ERA considers that the revised draft policy could still pose impacts on the rural environment and the landscape, which cannot be suitably mitigated at project stage. Therefore, the potential impacts of the revised draft policy on the rural

environment, such as further take-up of undeveloped rural land and impacts on the landscape and rural character, require further assessment at policy drafting stage. Should the draft Policy Guidance (September 2019) be revised further at this stage to address the issues and concerns highlighted below, then ERA will re-evaluate its position.

3. Detailed Comments

Policy criterion 2.2f

- 3.1. Section 2.2 of the revised draft policy lists locations that are considered appropriate for relocated fuel service stations. In particular, criterion 2.2f highlights that fuel stations could be relocated to:

“any site located ODZ covered by a valid development permission or a site located ODZ committed by development carried out before 1967 (which is visible on the 1967 aerial photographs or Ordinance Survey Sheets and verified by the Planning Authority’s Mapping Unit), provided that the development is not related to agriculture and/or animal husbandry, and where the establishment of a Fuel Station will result in a wider environmental benefit.”

ERA considers that these ODZ sites are not necessarily suitable for fuel service stations in view of their potential wider environmental impacts, particularly if located in a rural context. These concerns include implications resulting from the relocation of small kerb-side fuel stations to ODZ locations, since these are rarely like-with-like replacements. The policy provision may also result in displacement of pressures for relocating certain permitted uses ODZ to other rural locations.

- 3.2. It is therefore recommended that this locational criterion, which affects ODZ land, should be revised further, along the following lines:

Only sites that have an already-constructed legal building located in an already committed context may be considered, provided that the footprint of the existing building and any other legally committed contiguous land should already be suitable to accommodate the relocated fuel station and implementation of mitigation measures, without the need for expansion onto adjacent rural land.

Paragraph 1.4

- 3.3. Paragraph 1.4 of the revised draft policy highlights that “redevelopment and change of use of existing fuel stations located partially or fully in ODZ shall not be considered”. Whilst this provision is noted, ERA is concerned that the policy does not clearly restrict the subsequent expansion and upgrading of relocated fuel service stations ODZ onto undeveloped rural land. This omission would intensify the environmental issues highlighted above. **Paragraph 1.4 should be revised to clarify that no further extensions will be permitted to any existing**

and/or relocated fuel stations ODZ (including for ancillary or complementary facilities).

Paragraph 2.2

- 3.4. The introductory statement of paragraph 2.2 of the revised draft policy highlights that the relocation of existing fuel stations deemed as creating issues of amenity, safety and/or transport, “shall be located on roads forming part of the Ten-T core and comprehensive network and arterial and distributor road network”. ERA is concerned that the above covers a vast section of the road network in ODZ locations, opening loopholes for relocating fuel service stations to ODZ sites in the wider countryside.
- 3.5. Moreover, the approved policy (Fuel Service Stations Policy, 2015) restricts the development of fuel stations within 500m of each other if these are in the same direction of traffic. However, the revised draft policy (September 2019) has omitted such an important safeguard. The lack of suitable minimum distance from each other would favour the establishment of further fuel stations ODZ in close proximity to each other, thereby aggravating the environmental impacts associated with such developments, such as the collective take-up of rural land and cumulative visual intrusion into the rural landscape.
- 3.6. **It is recommended that the revised policy should include a restriction on the minimum permitted distances between fuel stations that are located in the same direction of traffic. Moreover, the road network eligible for relocated fuel stations should be restricted further in order to avoid encroachment of such stations in predominantly rural contexts.**

Policy criterion 2.2d

- 3.7. ERA considers that the environmental issues highlighted above may be exacerbated further as a result of the doubts introduced by policy criterion 2.2d which identifies “Open Storage sites identified in the approved Local Plans” as appropriate locations. Some open storage sites ODZ are designated with a boundary in Local Plans for specific uses, such as boat storage, depending on their site context. The reuse of these sites for fuel stations could displace pressures for accommodating previously allocated uses (e.g. boat storage) to other ODZ locations. Moreover, ERA is concerned that criterion 2.2d of the revised draft policy could also be (indirectly) referring to land ODZ contiguous to land zoned for industry. In fact, the South Malta Local Plan (SMLP) highlights that proposals for open storage facilities will be considered, provided that the site satisfies the locational criteria in the Policy Guidance on Areas for Open Storage (February 2005). These locational criteria still refer to “land outside development zones contiguous to land zoned for industry in Temporary Provision Schemes, 1988”. Therefore, the revised draft fuel stations policy did not eliminate the environmentally problematic sites included in the Open

Storage Area Policy, which ERA always considered unacceptable in view of the resulting urban sprawl.

- 3.8. ERA is of the opinion that only sites that are already designated with a specific boundary in the Local Plan for general Open Storage may be considered. Open storage sites designated for a specific use (e.g. boat storage/maintenance areas) should not be considered in view that it might result in the displacement of pressures for specific uses to other rural locations.**